

Court of Appeals, State of Michigan

ORDER

People of MI v Andre Terrelle Gibbs

Docket No. 291088

LC No. 07-012673-FH

William C. Whitbeck
Presiding Judge

Patrick M. Meter

Michael J. Kelly
Judges

Pursuant to MCR 7.205(D)(2), in lieu of granting the delayed application for leave to appeal, the Court orders that this matter is REMANDED to the circuit court for reconsideration of the constitutionality and proportionality of defendant's \$10,000.00 fine in light of *People v Antolovich*, 207 Mich App 714; 525 NW2d 513 (1994). In all other respects, the delayed application for leave to appeal is DENIED for lack of merit in the grounds presented.

We do not retain jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

APR 27 2009

Date

Sandra Schultz Mengel
Chief Clerk